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Federal Communications Commission

445 12th St., S.W.

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ANNOUNCEMENT OF OMB APPROVAL FOR CHANGES TO CARRIAGE ELECTION NOTICE RULES FOR CERTAIN TELEVISION STATIONS

Modernization of Media Regulation Initiative MB Docket Nos. 17-317 and 17-105 FCC 20-14

On February 25, 2020, the Commission adopted a Report and Order in MB Docket Nos. 17-317 and 17-105, further modernizing the Commission's carriage election notice rules.¹ On July 7, 2020, the Office of Management and Budget (OMB) approved the Commission's associated Paperwork Reduction Act submissions, and on July 22, 2020, the Federal Register published OMB's approval and announced that the rule changes would be effective July 31, 2020.² As a result of the rule changes, the obligations of certain small broadcasters have been slightly modified.

Specifically, 47 CFR § 76.64(h)(5) was amended to require low power television (LPTV) stations and non-commercial educational (NCE) translator stations that are qualified under 47 CFR § 76.55 and retransmitted by a multichannel video programming distributor (MVPD) to respond as soon as is reasonably possible to carriage election-related messages or calls from MVPDs that are received via the e-mail address or phone number the station provides in the Commission's Licensing and Management System database.

In addition, the 2020 Report and Order affirms that any qualified LPTV station (including a Class A station) that changes its carriage election must send an election change notice to each affected MVPD's carriage election-specific e-mail address by the carriage election deadline. Such change notices must include, with respect to each station covered by the notice: the station's call sign, the station's community of license, the DMA where the station is located, the specific change being made in election status, and an e-mail address and phone number for carriage-related questions. LPTV notices to cable operators need to identify specific cable systems for which a carriage election applies only if the broadcaster changes its election for some systems of the cable operator but not all. In addition, the broadcaster must carbon copy ElectionNotices@FCC.gov, the Commission's election notice verification e-mail inbox, when sending its carriage elections to MVPDs.

Finally, the 2020 Report and Order also requires all qualified LPTV stations, other than qualified Class A stations, and all qualified NCE translator stations to send an e-mail notice to all MVPDs that are or will be carrying the station no later than October 1, 2020. Qualified LPTVs and NCE translator stations must

¹ *Electronic Delivery of MVPD Communications; Modernization of Media Regulation Initiative*, MB Docket Nos. 17-105, 17-317, Report and Order, 35 FCC Rcd 1636 (2020) (2020 Report and Order).

² See 85 FR 44217 (July 22, 2020).

do so even if they are not changing their carriage status from the current election cycle. These baseline notifications must be sent to an MVPD's carriage election-specific e-mail address, must be copied to ElectionNotices@FCC.gov, and must include the station's call sign, the station's community of license, the DMA where the station is located and within which it has elected to be carried, and an e-mail address and phone number for carriage-related questions. Qualified Class A stations need not send this baseline notice, but must retain their triennial election statement (including carriage election contact information) in their online public file on an ongoing basis.

For further information regarding this proceeding, contact Lyle Elder, Policy Division, Media Bureau, 202-418-2365, lyle.elder@fcc.gov, or Kim Matthews, Policy Division, Media Bureau, 202-418-2154, kim.matthews@fcc.gov.

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